

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

VOLODYMYR KVASHUK,

Defendant.

NO. CR19-143JLR

~~PROPOSED~~
PROTECTIVE ORDER



This matter, having come to the Court's attention on the unopposed motion of the United States for entry of a discovery protective order, and the Court, having considered the motion, and being fully advised in this matter, hereby enters the following PROTECTIVE ORDER:

1. Protected Material.

Any material designated by the Government as Protected Material shall be subject to the terms of this Order.

The United States will make available copies of the Protected Material, including those filed under seal, to defense counsel to comply with the government's discovery obligations. Possession of copies of the Protected Material is limited to the attorneys of

1 record, and investigators, paralegals, law clerks, experts and assistants for the attorneys of
2 record (hereinafter collectively referred to as "members of the defense team"):

3 The attorneys of record and members of the defense team may share and review
4 the Protected Material with the Defendant. The attorneys of record and members of the
5 defense team acknowledge that providing copies (in any form) of the Protected Material
6 to the Defendant and other persons is prohibited, and agree not to duplicate or provide
7 copies of the Protected Material to the Defendant and other persons. The exception to
8 this prohibition is the dissemination of electronic copies to officials of the Federal
9 Detention Center at SeaTac, Washington, for use in a controlled environment by
10 Defendant, who is currently in custody there. Any violation of these prohibitions
11 constitutes a violation of the Protective Order. Further, the attorneys of record are
12 required, prior to disseminating any copies of the Protected Materials to members of the
13 defense team, to provide a copy of this Protective Order to members of the defense team,
14 and obtain written consent by members of the defense team of their acknowledgment to
15 be bound by the terms and conditions of this Protective Order. The written consent need
16 not be disclosed or produced to the United States unless requested by the Assistant
17 United States Attorney and ordered by the Court. Nothing in this order should be
18 construed as imposing any discovery obligations on the government that are different
19 from those imposed by case law and Rule 16 of the Federal Rules of Criminal Procedure.

20 2. Filing

21 Absent prior written authorization of the government, any Protected Material that
22 is filed by the defense with the Court in connection with pre-trial motions, trial, or other
23 matter before this Court, must be filed under seal and shall remain sealed until otherwise
24 ordered by this Court. The parties are required to comply in all respects to the relevant
25 local and federal rules of criminal procedure pertaining to the sealing of court documents.

1 3. Nontermination

2 The provisions of this Order shall not terminate at the conclusion of this
3 prosecution.

4 4. Violation of Any Terms of this Order

5 Any violation of any term or condition of this Order by the Defendant, his
6 attorneys of record, any member of the defense teams, or any attorney for the United
7 States Attorney's Office for the Western District of Washington, may be held in contempt
8 of court, and/or may be subject to monetary or other sanctions as deemed appropriate by
9 this Court.

10 If the Defendant violates any term or condition of this Order, the United States
11 reserves its right to seek a sentencing enhancement for obstruction of justice, or to file
12 any criminal charges relating to the defendant's violation.

13 5. Right to Review

14 The parties agree that in the event that compliance with this Order makes it
15 difficult for defense counsel to adhere to their Sixth Amendment obligations, or
16 otherwise imposes an unworkable burden on counsel, defense counsel shall bring any
17 concerns about the terms of the Order to the attention of the government. The parties
18 shall then meet and confer with the intention of finding a mutually acceptable solution.
19 In the event that the parties cannot reach such a solution, defense counsel shall have the
20 right to bring any concerns about the scope or terms of the Order to the attention of the
21 Court.

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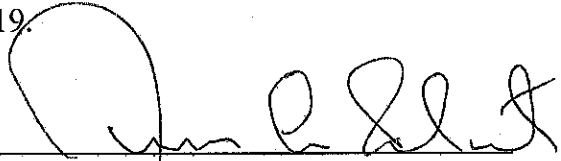
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1 The terms of this Order apply to current defense counsel, as well as to any
2 successor defense counsel and team members.

3 DATED this 20th day of August, 2019.

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6 HON. JAMES L. ROBART
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8 Presented by:

9 /s/ Michael Dion
10 MICHAEL DION
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